DOCUMENT RESUME

ED 424 814 HE 031 668

AUTHOR	Chait, Richard; Trower, Cathy A.
TITLE	Where Tenure Does Not Reign: Colleges with Contract Systems. New Pathways: Faculty Career and Employment for the 21st Century Working Paper Series Inquiry #3.
INSTITUTION	American Association for the Advancement of Science, Washington, DC.
PUB DATE	1997-00-00
NOTE	33p.; For related documents, see HE 031 666-678.
AVAILABLE FROM	American Association for Higher Education, One Dupont Circle, Suite 360, Washington, DC 20036-1110; phone: 202-293-6440, ext. 11; fax: 202-293-0073 ($8.50 members, $10 nonmembers; subscription to all 14 papers: $120 members, $140 nonmembers).
PUB TYPE	Opinion Papers (120) -- Reports - Descriptive (141)
EDRS PRICE	EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	Church Related Colleges; *College Faculty; Contract Salaries; *Contracts; *Faculty College Relationship; Higher Education; Job Satisfaction; *Nontenured Faculty; Personnel Policy; Private Colleges; Professional Education; Quality of Working Life; Small Colleges; Teacher Morale; *Tenured Faculty

ABSTRACT

Colleges without tenure are rare; in the United States 97 percent of research universities and 99 percent of four-year public colleges offer tenure. This study, one in a series about the priorities of the professoriate, examines the 9 percent of private colleges that operate without tenure; some are highly specialized professional schools, others are newer, innovative institutions; the majority are small (fewer than 1,500 students) and are neither particularly selective nor well-endowed. Five institutions were visited for the study two "purebreds," which operate entirely without tenure, and three "hybrids," which offer tenure as a secondary option to nontenure-track positions; 117 interviews were conducted with presidents, senior academic officers and junior and senior faculty. The paper reviews the key contractual elements of both types of arrangements and then considers policy implications and faculty reactions. The paper offers the following "conclusions" with some reservations: term contracts are not a solution for tenure problems; term contracts provide both academic freedom and economic security; term contracts place a premium on the trustworthiness of administrators; term contract evaluations have a strong resemblance to post-tenure reviews; term contracts provide insurance for the institution in crises; most junior faculty on contract or in nontenure-track appointments prefer these options to tenure; most faculty on contract find academic life agreeable. (Contains 14 references.) (CH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 424 814

Where Tenure Does Not Reign

Colleges With Contract Systems

By Richard Chait
Professor of Higher Education,
Harvard University Graduate School of Education
and
Cathy A. Trower
Research Associate,
University of Maryland, College Park

INQUIRY #3

HE 031 668

FORUM ON Faculty Roles & Rewards

AAHE AMERICAN ASSOCIATION FOR HIGHER EDUCATION

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN MICROFICHE AND IN ELECTRONIC MEDIA FOR ERIC COLLECTION SUBSCRIBERS ONLY HAS BEEN GRANTED BY
AAHE
2A TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

NEW PATHWAYS: FACULTY CAREERS AND EMPLOYMENT FOR THE 21ST CENTURY

A PROJECT OF THE AMERICAN ASSOCIATION FOR HIGHER EDUCATION

BEST COPY AVAILABLE

About the Authors

Richard Chait is a professor of higher education at the Harvard Graduate School of Education. Previously, he was a professor of higher education and management and the director of the Center for Higher Education Governance and Leadership at the University of Maryland, Mandel Professor of Non-Profit Management at Case Western Reserve University, and associate provost at The Pennsylvania State University. His research has focused on two areas: academic administration and trusteeship, and he is widely known for his publications and work in the areas of tenure and the performance of boards of trustees. He holds a B.A. from Rutgers, and an M.A. in history and a Ph.D. in educational administration from the University of Wisconsin.

Cathy Trower is a research associate on AAHE's New Pathways project. She has worked in higher education for fourteen years in both faculty and administrative positions. Formerly senior director, Graduate Business Programs, at Johns Hopkins University, she has consulted with colleges on tenure policies and with corporations on high-performance teams, organizational culture and change, and strategic planning. She holds a B.B.A. and an M.B.A. from the University of Iowa and a Ph.D. in higher education from the University of Maryland.

About the New Pathways Working Paper Series

The Forum on Faculty Roles & Rewards is a special program of the American Association for Higher Education (AAHE). It works with faculty leaders, senior academic administrators, trustees, legislators, and others interested in refocusing faculty priorities to address pressing institutional and societal needs.

To advance this agenda, AAHE initiated a project called "New Pathways: Faculty Careers and Employment for the 21st Century." The New Pathways Working Paper Series addresses key issues related to changing faculty careers and employment arrangements; the series consists of 14 papers to be released during 1996-1997.

The American Association for Higher Education is a national, individual-membership organization that brings people together — across hierarchies, sectors, and disciplines — in the common cause of improving the quality of higher education.

Any opinions expressed in this Inquiry are those of its author(s) and do not necessarily represent those of AAHE's members, nor does publication necessarily imply their endorsement by the Association.

© 1997 American Association for Higher Education. All rights reserved. Printed in the United States of America.

Ordering Information

Additional copies of this Inquiry or the complete, fourteen-Inquiry Working Paper Series package (to be released over 1996-1997) can be purchased using the order form found on the last page of this paper, or by contacting:

American Association for Higher Education
One Dupont Circle, Suite 360
Washington, DC 20036-1110
202/293-6440 x11, fax 202/293-0073

Reprint Permission

AAHE's New Pathways project has as one of its missions to disseminate information and foster discussion. With that purpose in mind, AAHE grants to the purchaser of this Working Paper permission to photocopy and distribute it.

Design by Kerrie Kemperman

FOREWORD

In 1992, AAHE entered into the growing national debate about the priorities of the professoriate by establishing the Forum on Faculty Roles & Rewards — a program that sponsors an annual national conference, issues publications, and serves as a general clearinghouse. Thus, when tenure surfaced in the spring of 1994 as a major issue of conversation and media attention, we became an interested party in the discussion.

On reflection, we decided that what was needed was not another familiar debate about the pros and cons of tenure but a new dialogue — a dialogue in which tenure was placed in a larger context of fresh thinking about two questions: What career paths make sense for the professoriate of the 21st century? What varieties of employment arrangements might most appropriately undergird these paths?

We also concluded that what might best help campuses work through these questions was not more philosophical argument but concrete options: practical ideas about new career paths and imaginative employment arrangements that campuses could try on for size.

AAHE's New Pathways project seeks to carry out that agenda. Project activities include (1) sponsoring forums to advance the dialogue; (2) serving as a general clearinghouse; and (3) initiating investigations into selected, particular issues.

Central direction for the project is provided by a three-person team: R. Eugene Rice, director of AAHE's Forum on Faculty Roles & Rewards; Richard Chait, professor of higher education, Harvard Graduate School of Education; and Judith Gappa, professor and vice president for human relations at Purdue University. Richard Chait's part of the project, which focuses on creative employment arrangements, is supported by a generous grant from the Pew Charitable Trusts.

The project team in turn benefits from the wise counsel of a four-person national advisory panel: Richard Lyman, president emeritus, Stanford University (chair); Andrew Hurwitz, attorney; Ejner Jensen, professor of English and special counsel to the president, University of Michigan; and Linda Wilson, president, Radcliffe College.

We wanted to make our own investigations quickly available in a form that was affordable, easily duplicated, and suggestive of what they really are: works in progress, intended to stimulate and enrich further discussion.

Russell Edgerton

President, American Association for Higher Education

March 1996

Where Tenure Does Not Reign: Colleges With Contract Systems

by Richard Chait and Cathy A. Trower

Colleges without tenure are a rare breed. Almost all research universities (97%) and public four-year colleges (99%) offer tenure. Among private four-year colleges, only 9 percent do not (Russell et al. 1990: 24).[1] About 75 percent of all full-time faculty work on campuses with tenure policies. Therefore, academics at wealthier, more prestigious institutions may be tempted to dismiss as irrelevant the experiences of campuses without tenure. But that attitude would be short-sighted.

First, as tacticians, tenure's advocates should understand the alternatives, if only to better argue the case for the status quo. Second, lessons to be learned have implications for conventional tenure practices. Third, some elements of contract systems could be applied beneficially on campuses with traditional tenure. Finally, while colleges without tenure constitute only a sliver of the academic universe, these anomalies have attracted considerable attention recently because of the heightened national interest in alternatives to traditional tenure practices.

Most colleges without tenure are, almost by definition, outside the mainstream of higher education. Some are highly specialized professional schools (e.g., music, medicine, pharmacy, or Bible); others are newer, self-consciously innovative institutions, such as Evergreen State College and Hampshire College. The majority, however, are relatively small (fewer than 1,500 students) and neither particularly selective nor well endowed. Some colleges without tenure are listed in the box on the next page. Among these, thirty-three appear in *Barron's Profiles of American Colleges* (1996), which ranks institutions by six levels of competitiveness. None of them achieved its highest rank, and only four were among levels 2 and 3; twenty were classified as level 4, and nine as level 5 or 6. *U.S. News & World Report* (September 16, 1996) placed none of these schools in its first or second tier of national liberal arts colleges, just two among its third tier, and two as regional liberal arts colleges.

[1] This paper does not address community colleges, about 62 percent of which confer tenure.

An Illustrative List of Colleges Without Tenure

Azusa Pacific University (CA)
Bennington College (VT)
Boston University School of Medicine
Bradford College (MA)
Clarkson College (NE)
Cleveland Institute of Art
Cleveland Institute of Music
College of the Ozarks (MO)
Columbia Union College (MD)
Concordia University (WI)
Curry College (MA)
Deaconess College of Nursing (MO)
East Texas Baptist University
Eastern Mennonite University (VA)
Evergreen State College (WA)
Florida Gulf Coast University
Hampshire College (MA)
Jamestown College (ND)
Julliard School (NY)
Lindenwood College (MO)
Lutheran Bible Institute of Seattle
Madonna University (MI)
Massachusetts College of Pharmacy
Master's College (CA)
MidAmerica Nazarene College (KS)
Monterey Institute of International Studies (CA)
Morehouse School of Medicine (GA)
Mount Olive College (NC)
Naropa Institute (CO)
Neumann College (PA)
New England College (NH)
Northwood University (MI)
Notre Dame College (NH)
Peabody Conservatory of Music (MD)
Pfeiffer University (NC)
Philadelphia College of Bible
Salem-Teikyo University (WV)
Shawnee State University (OH)
Southwestern Adventist College (TX)
University of Mary (ND)
University of West Los Angeles
Westminster College of Salt Lake City
Wingate University (NC)

Of the forty-three institutions listed above, faculty salaries for only twenty-one were published in the most recent AAUP ratings (AAUP 1996). Sixty-two (62) percent of the schools offered salaries at level 4 (20-39.9%) or level 5 (<20%) for professors, and 52 percent offered salaries at these levels for assistant professors. In only two instances were salaries above the 80th percentile for any rank.

About our study. This paper examines colleges that operate without tenure (purebreds) and a few that offer tenure primarily as a secondary option to nontenure-track positions (hybrids). It reviews the key contractual elements of these arrangements, and then considers policy implications and faculty reactions. It attempts to develop a portrait of life on campuses without tenure.

For this study, we visited five institutions: two purebreds (Evergreen State College and Hampshire College) and three hybrids (Greensboro College, Shenandoah University, and Webster University). On each campus, we interviewed the president, senior academic officers, junior and senior

faculty, and a few trustees — 117 people in all, many quoted below. We also reviewed the faculty handbooks at these five schools as well as twenty-eight other institutions with contract systems. In a few instances, we conducted telephone interviews with administrators at sites we did not visit.

PART I
CONTRACTUAL PROVISIONS

Purebreds

Despite various permutations, faculty employment contracts at campuses without tenure typically have three attributes. First, all appointments are for a *specific period of time.* Second, the contracts are *renewable* upon mutual agreement, without any "up or out" proviso. Third, contract intervals are often *variable,* normally based upon seniority by rank and length of service.

At Azusa Pacific University, for example, the standard sequence includes three 1-year contracts, two 3-year contracts, and then 5-year contracts. At New England College, a faculty member receives a series of 1-, 2-, or 3-year contracts for the first six years, followed by a 4-year contract in the seventh year, a 5-year contract in the eleventh year, and a 6-year contract in the sixteenth year and thereafter until age 66. At that point, the length of the contract decreases a year at a time until age 69, when faculty are placed on annual appointments. Faculty at Curry College, after six annual appointments, are eligible for three-year "rolling contracts," where "each three-year term contract rolls over into a new three-year term contract at the end of one year (assuming a positive evaluation each year)" (Hill 1985: 53).[2]

Contract systems at Hampshire and Evergreen have evolved similarly since these colleges were established in 1970 and 1971, respectively. While not necessarily representative of other institutions, the policy histories at Hampshire and Evergreen are well documented (Chait and Ford 1982) and instructive.

Initial faculty appointments at Hampshire were originally three to five years in length, and reappointments were for three, five, or seven years, depending upon the candidate's experience and performance. In 1980, the policy was changed to a three-year first appointment, a four-year second

[2] Trower (1996b) describes the central features of various contract plans.

appointment, and ten-year "de facto tenure" appointments thereafter. The first ten-year contract carries automatic promotion to associate professor. The new policy mandates that "once a candidate has received a ten-year contract, the burden of proof in subsequent reappointment decisions shifts from the candidate to the college."

At Evergreen, all faculty were initially appointed to three-year contracts with annual performance reviews. The first- and third-year reviews were to be "developmental," whereas the second-year review was to determine reappointment. In September 1988, the policy was changed to two 3-year contracts followed by eight-year contracts. The new policy included two important stipulations. First, a three-year contract was deemed to carry a "continuing contract interest" that placed the "burden of proof on the college to justify a denial of reappointment." In effect, faculty were accorded tenure-like security from day 1 of a three-year contract. Second, there would be no distinction between faculty on three-year and eight-year contracts for purposes of retrenchment.

A THREE-YEAR CONTRACT WAS DEEMED TO CARRY A "CONTINUING CONTRACT INTEREST" THAT PLACED THE "BURDEN OF PROOF ON THE COLLEGE TO JUSTIFY A DENIAL OF RE-APPOINTMENT."

In the summer of 1996, the Evergreen policy was revised again to parallel even more closely a conventional tenure system. Faculty are now first appointed to three-year "probationary" contracts, renewable once. At the conclusion of the first, or more likely the second, three-year contract, faculty must be offered a "continuing appointment" or be terminated. A "continuing appointment" ensures employment until the faculty member voluntarily departs or retires, subject to dismissal for "adequate cause." For all intents and purposes, faculty on continuing appointment are tenured, with a formal performance review every five years. Moreover, the new policy excludes from consideration for continuing appointment "whether or not the candidate's knowledge and skill fits with the content of the projected future short term or long term curriculum."

The catalysts for change at Hampshire and Evergreen were quite similar. The policy objectives were (1) to reduce the frequency of reappointment reviews and thereby lessen the workload for administrators and faculty; and (2) to allay faculty members' anxiety about employment security through longer contracts, a "tenure-like" threshold decision, and a shift of the burden of proof for nonrenewal to the administration. In terms of employment security, these contract systems operate very much like tenure systems with a post-tenure proviso.

Hybrids

Several institutions have established a nontenure track as an option, alongside a tenure track, for "regular" faculty members.[3] At Webster University, all full-time faculty are on probationary status and annual contracts for five to seven years. By the start of the third year, faculty must declare a "preliminary choice" to be on the tenure track or the faculty development leave (FDL) track, an option established in 1970. Generally, reviews for tenure candidates occur in the sixth year of the probationary period, reviews for FDL status in the fifth year. The criteria and standards for both tracks are identical. Contingent upon a successful review, candidates are granted "continuing status" as either tenured or FDL faculty. Shifts from one track to the other are theoretically possible after the "status" decision, although to date only two faculty members have transferred from the FDL track to the tenure track. FDL faculty are evaluated every fifth year; tenured faculty "are not subject to regular review." FDL faculty are eligible for leaves of one semester at half pay in year 4, or one semester at full pay in year 5, or one semester and one summer at full pay in year 6. Tenured faculty are eligible for a one-year sabbatical at half pay or one semester at full pay in year 7. Currently, 16 of 130 faculty are tenured, and the university has an "informal" tenure quota of 33 percent.

By the third year of full-time employment, faculty at Greensboro College must be appointed to a tenure-track position or a "continuing contract position," or be issued a terminal contract. While faculty may express a preference for the tenure or nontenure track, the final decision rests with the college based upon institutional needs, overall tenure levels, and divisional tenure levels. Greensboro has a 65 percent collegewide tenure quota and a limit of two to three tenure-track positions for each disciplinary area. In year 7, tenure-track faculty are granted tenure, placed on continuing contract if no tenured positions are available, or terminated. Faculty on the nontenure track are awarded "continuing contract status" in year 7 or terminated. "Continuing contract" faculty have annual appointments that "may be terminated for any reason" with one year's severance pay. In addition, nontenure track faculty receive an annual salary supplement "equivalent to 10 percent of the average for the faculty member's rank" plus a "summer faculty development grant" of some $3,600. In 1995-96, Greensboro had twenty-two tenured faculty, one tenure-track, six "continuing contract status," three "continuing contract track," and six probationary faculty yet to be assigned to a track. Faculty

[3] For a discussion of full-time nontenure-track appointments on campuses where traditional tenure predominates, see Gappa (1996).

may request a change from tenure to nontenure track, as well as from tenured to continuing contract status, although no such requests have been made since the policy was implemented in 1993.

Unlike Webster and Greensboro, Shenandoah University provides no special inducements for faculty to forgo the tenure track, yet only 20 percent of the faculty, mostly senior by length of service, are tenured. For the first five years, all faculty are on one-year contracts. Thereafter, "career faculty" receive three-year "rolling contracts," where faculty are always in the first year of a three-year contract as long as there are "no negative evaluations of significance." At age 65, faculty return to annual contracts. After five 1-year and one 3-year contract, faculty at the rank of associate or full professor may apply for tenure; however, no one is required to do so because Shenandoah does not have an "up or out" rule.

PART II
POLICY IMPLICATIONS

The 1940 AAUP Statement of Principles on Academic Freedom and Tenure (AAUP 1990: 3) defines tenure as "a means to certain ends," specifically economic security and academic freedom. These two goals offer a useful template to examine the policy implications of contract systems.

Economic Security

Troubled by the notion of a largely permanent and inflexible faculty workforce, tenure's critics frequently view term appointments as an attractive alternative. With only a finite contractual commitment to faculty, colleges can readily change personnel to accommodate new programs, to pursue strategic priorities, and to remove ineffective teachers and unproductive researchers. Tenure's proponents, conversely, fret that contract systems will facilitate arbitrary and capricious personnel decisions, rapid faculty turnover, and rampant insecurity. In reality, both the hopes of tenure's critics and the fears of tenure's defenders are unwarranted. Contract systems, *in practice,* mirror tenure systems on the dimension of economic security.

Campuses without tenure experience very little involuntary turnover. Between 1970 and 1996, only six faculty members at Evergreen were dismissed — five in the first two years — and only five resigned upon request, all before 1975. In the past twenty years, there has been only one dismissal, and

since 1988 not one academic administrator ever "announced an intention not to renew a three- or eight-year contract." The college reports fifty voluntary resignations over the first twenty-five years. Since 1978 at Hampshire, 25 of 156 faculty members (16%) considered for reappointment were denied a new contract, none among the 21 candidates in the past five years. By comparison, the most recent national data indicate that approximately 79 percent of all tenure decisions are positive (Russell et al. 1990: 22.) In the past sixteen years at Webster, no FDL faculty member, each technically on one-year contracts, has been formally dismissed, although the administration stated that "there's a lot of weeding and counseling out the first three years." (No data were provided.) Greensboro has not terminated any "continuing contract" faculty, and dismissals of career contract faculty at Shenandoah over the past fifteen years have been limited to two egregious cases.

Why has there been such little turnover of faculty, in practice, on campuses with policies that, in theory, facilitate flexibility? First, voluntary movement has been restricted by a tight employment market for most academics. "With opportunities for employment elsewhere constricting and the Evergreen faculty aging, it should not be surprising that our faculty began to be more concerned with job security." At both Hampshire and Evergreen, organized around multidisciplinary themes rather than conventional departments, faculty feel particularly "locked in." As the president of Evergreen remarked, "We strip faculty of disciplinary identity. . . . We 'unfit' people for the job market." On the other campuses, many faculty believed that the lack of tenured status, especially after seven or more years of service, created an aura of "illegitimacy" and a disadvantage in the marketplace.

Second, none of these campuses adopted contract systems to induce involuntary turnover. It simply was not a policy objective. To the contrary, the organizational culture of these colleges emphasizes professional development and faculty nurturance. Shenandoah's policy manual lists first among the "basic principles of the system" that "regular evaluation is an integral part of faculty development." The president there posited that "you don't need to lose anyone or have turnover. Only selective institutions have this turnover argument." The executive summary of Evergreen's new policy stresses that "neither the new nor the old policy see[s] gaining a continuing contract as a 'run off' in which only a few faculty can succeed. The assumption is that excellent performance will lead to continuation of a contract for *all* hired faculty rather than fostering competition among candidates for 'tenure.'" Academic administrators at the other sites echoed this perspective. "We are in the business of growing, not weeding, faculty." "Nonrenewal is an institutional, not an individual, failure." "It is not

a badge of honor to be tough on people." "This is a system about renewal, not about risk. . . . This is a nice place to work. It's not about punishing. . . . We're sad when someone doesn't succeed."

Third, as elaborated later, the very nature of the reappointment process, coupled with the ever-present threat of litigation, complicates the procedural aspects of dismissals for cause. The impediments to act are aptly summarized in a 1995 background document on tenure and reappointment prepared by a professor at Evergreen, which notes the "transition *within* the college from an idealistic, community-based sense of identity and ethics towards an increasingly legalistic codification of rules." The document continues:

> When one looks at the original faculty reappointment policy, one is struck by its simplicity, its elegance, and most of all its *reasonableness.* It was obviously written at a time when there was a shared sense of what the college was about and was rooted in a number of unstated assumptions imagined to be universally held. And it was written at a time when the *external* legal environment was more willing to smile on such naivete. . . . When one contrasts the original . . . policy with the current one, one is struck by how complicated the formal definition of such a simple thing as "being a good teacher" has become as we have tried to erect the necessary legal framework for proving its absence. . . . Such changes reflect our increasingly litigious society. (Cushing 1995: 10-11)

Perhaps most important, however, the scant turnover can be attributed to a political calculus. In a world where academic tenure and lifetime employment are the norm, contract systems are likely to be politically feasible *only* to the degree that faculty do not feel economically insecure. At Shenandoah, an academic administrator noted that "faculty just don't see people getting fired, so why endure the hassle of the tenure process?" This viewpoint was reinforced by a professor on the same campus with two decades on multiyear contracts. "I never bothered to apply. I never felt a threat to my employment security." "It all boils down to trust," concluded a faculty member at Greensboro. "It wouldn't work if you thought you would lose your job." The academic vice president concurred: "To dismiss contract faculty to achieve programmatic flexibility, the institutional benefits would have to be so high because the institutional costs would be so high. . . . I would exercise the same degree of caution in discontinuing a Continuing Contract Status person as a tenured person." Termination of a marginal performer, "while not to be ruled out," would be considered only as a last resort and only with the approval of the academic council, "because with each negative decision without collegial support, the credibility of the entire system drops."

The net effect of these considerations has been that contract faculty, especially after initial short-term appointments, enjoy a very considerable degree of economic security. Certainly, most faculty hold that view:

> The contract system greatly mimics tenure.
>
> I look upon the ten-year contract almost as tenure. It tends to be that, no matter what. It's three years, then four years, then the "ten-year," which we jokingly refer to as "tenure" because that's really what it is.
>
> It sounds like, in practice, this place has automatic tenure.
>
> When I came on board, the administration said that this is like tenure. Your expectation should be that your employment will be continuing and long term.

The unofficial historian of contract policy at Evergreen concluded in 1995 that "the current policy does not seem very different from tenure."

The primary institutional payoffs from contract systems, then, are not likely to be opportunities to shift resources from one strategic initiative to another or to remove "deadwood." On those dimensions, campuses without tenure seem to be neither more nor less successful than similar institutions with tenure, although the academic vice president at Greensboro noted that the continuing contract system does allow departments and programs "to expand because there's less programmatic risk" and the provost at Webster touted FDLs as a means to accelerate program development because faculty have more opportunities to "learn new skills and substantive areas." Hampshire and Evergreen are innovative as a matter of institutional ethos and organizational philosophy — and perhaps *despite* the lack of faculty turnover.

Most institutions without tenure view contracts as an important hedge and a valuable last resort to protect economically brittle, tuition-dependent colleges against catastrophic losses in enrollment and related financial hardships. The board of trustees at Greensboro does not want to relive the bloodbath that accompanied first the termination of nontenured faculty across the college in the 1970s to spare tenured music faculty with few students, and ultimately the dismissal of the music faculty in the 1980s to accommodate a precipitous decline in enrollments.

Contract systems insure institutions against disaster. *If* enrollments plummet, *then* the college can downsize comparatively expeditiously. Greensboro and Webster have decided, quite literally, to pay a premium — additional compensation and accelerated sabbaticals, respectively — for insurance against the ravages of shortfalls in enrollments. Conversely, the faculty have basically decided to self-insure against layoffs. "It is a rational risk that we've taken up front." The system has worked to date with a *pivotal* proviso succinctly captured by a professor at Webster: "It's all predicated on no one being dismissed."

If dismissals of contract faculty were to happen in any number on hybrid campuses, one might reasonably expect a stampede to the tenure track and pressure to relax tenure quotas. On the other

hand, to the extent that layoffs resulting from decreased enrollments or shifts in student demand do not materialize, these institutions will pay a fairly sizable premium to insure against a remote, if not fictional, risk. Evergreen has chosen to underwrite the risk differently, with a 10 percent "RIF cushion" earmarked to employ either full-time "visiting faculty" for up to three years or part-time "adjunct faculty."

In summary, while contract systems differ from tenure systems in theory, they operate quite similarly in practice. The fundamental challenge remains, as stated by the academic vice president at Greensboro, "to devise a system that promotes a reasonable level of stability and continuity within the faculty while at the same time preserving the necessary level of institutional flexibility." Purebreds and hybrids have attempted to strike that balance, on the whole, through a practice of continued employment that provides psychological (and at Evergreen, legal) security to the faculty and a policy of term appointments that preserves the possibility of flexibility for the institution.

Academic Freedom

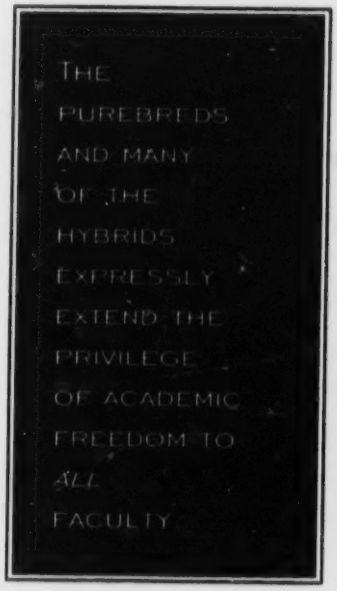
A credible argument can be made that faculty on contracts enjoy de facto (though surely not de jure, with Evergreen excepted) a degree of economic security comparable to tenured colleagues. The classic case for academic tenure, however, has always posited employment security as a means to a loftier end, namely, academic freedom. Therefore, we must ask whether faculty on campuses without tenure and faculty on nontenure tracks on contracts enjoy this protection.

With only the rarest exceptions, colleges with contract systems have formally endorsed and codified within the faculty handbook the concept of academic freedom. Hampshire College regards academic freedom as "essential to the advancement of education, of the college, and of the teachers who [make up] its faculty." Lindenwood College, which abolished tenure in 1995, "believes strongly in the principles of academic freedom and responsibility."

Many handbooks also incorporate explicitly or by reference the 1940 AAUP Statement of Principles on Academic Freedom. Shawnee State University, for example, is "totally committed to the principles of academic freedom as stated by the AAUP." Greensboro College has "tailored [the AAUP Statement] to meet the special needs and circumstances of Greensboro College." Webster University agrees to "uphold and abide by" the AAUP Statement of Principles "with the modification that the statement on Academic Tenure be supplemented by existing handbook language on FDL status." The university also enacted the powerful affirmation of academic freedom from Johns Hopkins University:

> Academic freedom consists in the absence of or protection from such restraints or pressures chiefly in the form of sanctions threatened by state or church authorities or by the authorities, faculties, or students of colleges and universities, but occasionally also by other power groups in society — as are designed to create in the minds of academic scholars . . . fear and anxieties that may inhibit them from freely studying and investigating whatever they are interested in and from freely discussing, teaching, or publishing whatever opinions they have reached.

The purebreds and many of the hybrids expressly extend the privilege of academic freedom to *all* faculty. Hampshire "assures academic freedom to all faculty members." Evergreen pledges that "no faculty member will be dismissed . . . because of any written or spoken views protected by the First Amendment to the Constitution of the United States." At Pfeiffer University, probationary faculty, individuals on annual contracts for the five years before a multiyear appointment, have "the same academic freedom as other members of the faculty." These policies reflect a perspective voiced routinely on the campuses we visited and expressed by a faculty member at Evergreen: "If the purpose of tenure is to provide academic freedom, why should anyone have to wait six years to get it?"



Policies regarding academic freedom at church-related institutions without tenure are sometimes delimited by the college's commitment to the tenets of the denomination. At Pfeiffer University, for example, faculty "should be dedicated to Christian ethics and the ideal of Christian behavior," and Eastern Mennonite University "assures" academic freedom yet "concedes that the religious purposes of an institution of higher learning provide constraints or boundaries for academic freedom." Such refinements (or restrictions) result from religious commitment and not from term contracts. Similar statements exist at many church-sponsored institutions with tenure, such as Davidson, Catholic University, and Brigham Young, to cite only the most obvious examples.

Procedures to adjudicate nonreappointment (or lesser sanctions) allegedly resulting from violations of academic freedom typically entail an extensive review by an internal panel of peers (e.g., Evergreen) or faculty and administrators (e.g., Eastern Mennonite). A few institutions (e.g., Lindenwood) rely on an entirely administrative review and appeal. At Hampshire, academic freedom cases are presented first to an internal committee of four faculty and one student drawn from a panel of five faculty and two students elected by constituents for two- and one-year terms, respectively.

Committee decisions may be appealed to a panel of three Hampshire and two external faculty drawn from a pool of four insiders and two outsiders, all elected by the college faculty for two- and one-year terms, respectively.

The rhetorical commitment and adjudicatory procedures needed to safeguard academic freedom, without benefit of tenure, appear to be in place on campuses with contract systems, but what happens in practice? At the five sites we visited for this study, faculty expressed almost no concerns about the sanctity of academic freedom, perhaps because almost no alleged violations have occurred. At Evergreen and Hampshire, long-time faculty could recall only one case on each campus where a colleague contended that a decision to deny reappointment violated academic freedom. Neither prevailed on that ground. In a typical comment, a contract professor at Greensboro explained that "there is no issue of academic freedom around here. We don't feel that it's threatened." Similarly at Evergreen and Hampshire, faculty reported no constraints on the freedom to teach or conduct research.

As important, on both campuses (though to a slightly lesser degree at Hampshire), junior faculty did not perceive or experience any threats to academic freedom from more senior colleagues, a criticism commonly registered by untenured faculty elsewhere (O'Toole 1979; Trower 1996a; Winbush 1995). As relative newcomers to Evergreen stated, "I definitely have a voice; I have never felt squelched." "I've always had a say here from day 1." Despite the absence of tenure at Evergreen, the president, previously employed at Bowdoin and Hamilton, characterized the faculty as "more cussedly outspoken . . . than faculty at institutions elsewhere" (Jervis 1995: 22). And at Hampshire, even a critic of contracts acknowledged that tenure "has not done much to protect academic freedom. . . . The policy ensures . . . a hierarchical system where junior faculty have to suck up to senior faculty."

More than a few faculty were skeptical about the value and utility of tenure as an instrument of academic freedom or as a superior safeguard. "If the point of tenure is academic freedom, tenure is no more of a guarantee than other options. I thought I'd die with a blazing 'T' on my chest for 'tenure,' but if an institution is going to cut Sociology, they could do so. There's no protection against program discontinuation." Furthermore, some faculty seemed content to rely upon the law. "Younger faculty do not see tenure as a religious principle," stated a Greensboro faculty member. "We've grown up in the civil rights era where we saw everyone sue against discrimination, which means that we all have greater legal protection."

Three summary observations about contract systems and academic freedom seem warranted. First, faculty believe that the principles of academic freedom can be and have been adequately articulated and preserved despite the absence of tenure or the presence of a substantial nontenure-track

cohort. Second, we are reluctant to apply this formulation to all colleges and universities. Clearly, a deeply rooted, self-perpetuated tradition of academic freedom does not equally characterize all institutions, most notably certain community colleges, four-year public colleges, and evangelical institutions. Finally, faculty confidence rests upon honorable institutional behavior to date. Just as some contract faculty acknowledge that a genuine threat to economic security could spark a campaign for tenure, an authentic threat to academic freedom could have the same effect. Nonetheless, the record suggests that term contracts and academic freedom can and do coexist.

PART III

FACULTY REACTIONS

Sources of Satisfaction

Across the sites, faculty reaction to the contract system was largely positive for various reasons — some similar, some different.

A Level Playing Field

The most common theme, articulated by both newer and long-time faculty, was that contract systems blurred unhealthy and unjustified distinctions between junior and senior faculty. (Evergreen even eschews faculty rank.) A two-tier system of haves and have nots, which faculty linked to tenure, was deemed inappropriate at Evergreen and Hampshire, colleges passionately dedicated to the concept of a "campus community" or "an academic village." Instead, the goal was to create a "level playing field" on matters related to campus governance and faculty prerogatives, an objective that most faculty believe has been largely achieved. No one contends that all differences have evaporated, only that the distinctions are fewer and subtler.

No disparities arose related to academic freedom by contract or tenure status or by length of service, and only a few differences exist with respect to campus governance (e.g., at Hampshire, three of the five faculty members of the College Committee on Faculty Reappointment and Promotions must be professors or associate professors). "Here," asserted a prominent senior professor at Hampshire, "junior and senior faculty judge one another. Junior faculty can speak out and innovate. There's a lack

of self-censorship. Serious junior faculty are well-respected in collegial decision making." A less certain senior colleague asserted that "junior faculty are enfranchised to vote, but disenfranchised to criticize."

As a result of a commitment to equality, symbolized by the absence of tenure, faculty with fewer than seven years at Evergreen or Hampshire reported that:

> There is no distinction here between tenured and nontenured, junior and senior; we're all just here.
>
> Upon entering the institution, you are on an even keel with the full range of colleagues. . . . There's not that strange "in-club, out-club" feeling that you get with tenure.
>
> Our letters of evaluation have equal weight. We evaluate each other evenly.
>
> I've never even thought of myself as a "junior" faculty member here.
>
> Everyone has a say, younger and older faculty alike. There are no distinctions along these lines; we all belong to the faculty group.
>
> My vote weighs in as much as anybody else's. If I don't like something, I can scream as loud as people with ten-year contracts. . . . You're here; you stay. There's no dichotomy between junior and senior.

Reflecting this commitment to equality, all faculty can contribute peer evaluations without regard to rank or seniority of service. Most faculty and administrators appreciated the symbolic value of such a policy.

A Developmental Emphasis

While opinions on the utility of the evaluations were mixed (see **Pockets of Faculty Dissatisfaction** below), many faculty and staff commended the opportunities that periodic assessments afforded to exert and receive constructive peer pressure. The leverage, commented an administrator, "is in the forced conversation." A faculty member offered a similar observation:

> There's something to be said, even if it's only every decade, for having to go up and be reviewed. Even if you're not afraid of losing your job, people are going to talk about you. Your peers will talk about you, then all of that will go to a committee, and they're going to talk about you, and the president is going to read about you, and he might talk about you. Do you want all of these people saying, "He's pretty much deadwood" or "She hasn't done anything good for the past seven years." Is that what you want people saying? Usually, the answer is no.

The reviews, accompanied by plans for professional growth, were also seen as a positive impetus for reflection and professional development. At Webster, FDL faculty touted the "opportunity for reflection and renewal" afforded by periodic evaluations. A colleague described the trajectory as follows:

> You can gauge your career in five-year blocks, and you know that there is a set of criteria that you're expected to meet within that five-year block. And as you reach that mile marker, the first task is for you to review, then to point out where you are to your

> colleagues in a way that they come to understand why your practice here and how your practice has made it a better place for them to practice. Then, as you go through your evaluation with your peers, you have the chance to say, "My real interest right now is X; here's what I need to do. . . . And to have FDL for an entire semester to do what you really want to do is so renewing. And you come back and share with your colleagues what you did.

To the extent that faculty on these campuses read one another's prospectuses, intellectual connections were more readily discovered, faculty were better equipped to advise students about instructors, and junior faculty were tacitly mentored by the proposals of senior faculty.

One might expect differences in status between junior and senior faculty to be less pronounced at the purebred colleges, where all faculty are on contracts, than at the hybrid institutions, yet it was not the case by and large. In fact, on the hybrid campuses, most faculty did not know which colleagues were on which track, because there were no obvious differences of privilege or responsibility and because "no one cared." At Greensboro, the functional equivalent of a faculty senate executive committee included four tenured faculty, four continuing status faculty, and one on the CSS track. "CSS or tenured," one member maintained, "is not a label we attach or use to choose people for committees." A CSS faculty member stressed that the "goal is to make the systems as equivalent as possible."[4] At Webster, the responses were somewhat mixed; some junior faculty did feel inhibited, although "more by colleagues than administrators," and many agreed that junior faculty prefer to remain silent rather than "step on toes" at faculty meetings. "I call it the 'Webster Wires.' I'm not sure when I'm going to trip over one."

An Accent on Creativity

While the absence of tenured and untenured "castes" unquestionably contributed to community and contentment among the faculty, the nature of the employment arrangements at Evergreen and Hampshire, in particular, appeared to be secondary to the nature of the work environment as a source of satisfaction. Faculty were motivated and fulfilled more by an environment of innovation than by a contract system per se, although the two are not unrelated.

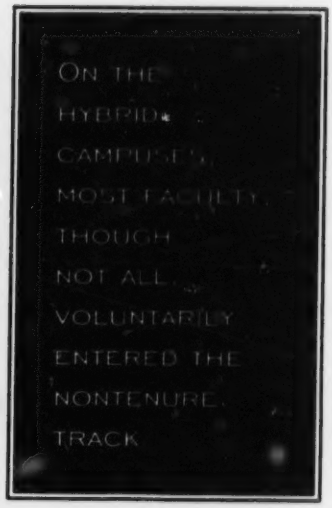
> The contract system on its own doesn't make or break the way I feel about Evergreen and my situation here. What's made a difference is that I am able to . . . forge my own path. Contracts are integral; you can't disentangle them, but it's not that in and of itself.

[4] In contrast, junior faculty on the tenure track at other institutions felt exploited, disenfranchised, muzzled, dispirited, and desperately beholden to senior colleagues (Tierney and Bensimon 1996; Trower 1996a).

> It's not that I chose Hampshire because they didn't have a tenure system, although indirectly, I did. It's that the type of work that one seems forced to do (elsewhere) seems to be driven very much by pressures about tenure, publications, and grants. I didn't come to Hampshire to get away from tenure; I was interested in it because they did neat things that they can do, in part, because they have a different system.

Many faculty at Evergreen and Hampshire associated creativity with contracts and conformity with tenure. "You do things that have the flavor of being promising, as being interesting works in progress, whereas, with tenure, you have to ask 'Is it publishable?' instead of 'Is it interesting?' These are entirely different questions and, sadly, one may actually have nothing to do with the other."

The Opportunity to Choose



On the hybrid campuses, most faculty, though not all, voluntarily entered the nontenure track. "It's choice, motivation, and empowerment," explained the academic vice president at Webster. "Take that away and you remove the attractiveness of the system." The academic dean and two professors at Greensboro concurred: "It's easier to accept where faculty choose the nontenure option." "The key issue is whether the decision is voluntary or mandatory." "Giving faculty a choice was important."

The choice was, of course, sweetened at Webster and Greensboro. Indeed, the primary reason faculty selected FDL at Webster was the incentive of more frequent sabbaticals. "The FDL keeps me active and makes me accountable." "There's the opportunity for reflection and renewal. . . . To have FDL for an entire semester to do what you really want to do is so renewing." Others viewed FDL not so much as a trade-off for tenure as an offset to other less attractive working conditions, such as "higher loads, lower salaries, and lesser facilities." At Greensboro, the 10 percent salary supplement, the summer stipend, and the one-year's severance pay were deemed valuable. "For me, it's purely a financial decision." "I'm better off without tenure. If the institution's in trouble, at least I get one year's pay." Nevertheless, faculty consistently emphasized that these emoluments would not be sufficient lures under a different, less trustworthy administration.

On both campuses, faculty viewed tenure as a crucial option on two counts. First, without tenure as an alternative, faculty reasoned, there would be no rationale for the institutions to provide salary premiums or FDLs as an incentive. Second, the presence of tenure conveyed "academic integrity" and was "important to attract those who want the choice of tenure." At the same time, none of the five

campuses has experienced any difficulties recruiting faculty for term contract appointments — despite the comparatively low salary schedules mentioned earlier. "It's been a real plus for recruitment," reported the academic vice president at Webster.

At Shenandoah, where there are no incentives to opt for the nontenure track, professional schools in business, health, and pharmacy dominate. These faculty, as a rule, commented one dean, are "not that interested in tenure." In fact, three recent recruits relinquished tenured positions elsewhere. Moreover, recruits were reassured by incumbent faculty and staff that there were no threats to employment security because the campus has been growing and because the administration has committed itself "to make the contract system work."

Not all faculty at the hybrid institutions felt there was a choice. Greensboro and Webster have tenure quotas, and faculty at Shenandoah perceive an "informal moratorium" on tenure. On all three campuses, faculty sensed that the administration "doesn't like tenure very much." "The administration is not thrilled with tenure and no one is ever denied FDL; it's de facto not de jure tenure, so why fight it?"

A Bypass Around Tenure's Potholes

For many faculty, the decision was less an affirmative choice to be under contract and more a decision not to be on a tenure track. A few opposed tenure on principle. "I chose the nontenure track out of my own innate beliefs in merit rather than entitlement," remarked one dissident. "I worked all my life to subvert authority and challenge the system," commented another. The majority of faculty, however, were either refugees from earlier tenure battles, especially long-timers at Hampshire and Evergreen, or newer faculty eager to avoid the storied horrors and pitfalls of tenure systems.

Although the indictments against tenure were many, four objections were sounded repeatedly.

1. That **the tenure process debilitates junior faculty** was the criticism most often cited. "Tenure lays waste to a lot of good people." "People get all worn out and sick when they're in those probationary years. People get burned out. . . . It takes a big piece out of your life and out of you, and you can never get it back. It's a cruel system. . . . I think it's a sick system and I walked away from it." "I see my colleagues going down in flames at other institutions. . . . The tenure process is so ugly, it wears people out, destroys them."

2. **Tenure imposes rigidity** in various forms. "Tenure forces [junior faculty] to be very conservative in what they do because they know their entire life rides on it." Tenure systems constrain

the lifestyles of probationary faculty. "People on tenure track are not getting married, having babies, going on vacation." Finally, tenure begets ossified faculty. "I've seen tenured professors who have retired on the job. You can't get rid of them." "Where I worked before, tenure death was all over the place."

3. **Tenure review processes are ambiguous and duplicitous,** a charge leveled mainly by faculty previously on the tenure track elsewhere. "Where I was, they *said* that you don't necessarily have to publish if you do other scholarly activity, but it's vague." "They want this, that, and the other from us. They want us to excel as teachers, *but* they want us to do publishable quality research, *and* we're supposed to do all this community service — oh, and maybe squeeze in a family life, right? . . . It's brutal, really brutal!"

4. **The tenure review process invites unhealthy intramural competition.** Two faculty members, one at Webster, the other at Evergreen, described the difference between the quest for tenure and the quest for contract renewal. "Tenure is about competition and bumping people off as you go along. Whereas what we do here is collaborate, tenure systems mean distinguishing yourself in a competitive stature." On the tenure track, colleagues experience "a different kind of stress than we feel here. There's a sense that you're competing not against yourself and your own standards but against some prearranged notion of what a college professor should be."

In contrast to these first- and secondhand impressions of tenure systems, whether accurate or overdrawn, faculty regarded contract systems as "more humane" and an approach that has enabled newer faculty to be "a lot calmer" and to work at a "nice steady level." A faculty member new to Evergreen, but formerly on a tenure track, recalled that "where I used to work, some junior faculty got together and designed the ideal system, and it was essentially Evergreen's. It's what we thought everyone should have, where even senior faculty are periodically reviewed and held to the same standards as the younger faculty." "There's a spirit of fun here," commented another junior faculty member, and that spirit "of learning and freshness is worth more to me than tenure. I don't worry about job security. I concentrate on doing a great job. . . . I don't know any tenure system out there that feels like this!"

Pockets of Faculty Dissatisfaction

Strange would be the campus without faculty dissent, whatever the issue (let alone a topic as controversial as academic tenure). And, indeed, opposition to contracts occasionally surfaced as a matter of principle, though far more often faculty dissatisfaction concerned implementation.

Lack of Prestige

Faculty were substantially concerned that contract systems lacked legitimacy within the academic profession. In contrast, tenure was regarded as "a sign of intelligence" and "a symbol of prestige." Thus, some faculty worried that colleagues on other campuses would not understand that long-time contract faculty had cleared the quality control hurdles and attained a status equivalent to tenure. As a consequence, contract faculty could be disadvantaged as candidates for positions elsewhere, as applicants for research grants, and as prospective presenters at invitational conferences.

> I want to be involved in the broadest range of universities to apply for a job somewhere else if need be, and to be respected at conferences with colleges. Tenure's the universal standard, the common currency.
>
> Tenure is everywhere; FDL is specific to this place. [If] I'm going to be marketable, I have to play the game the way the rest of the world plays it, not the way Webster does.
>
> If I decided to leave Evergreen . . . say, after sixteen years and two 8-year contract cycles, there's still no guarantee that I'll get tenure if I go somewhere else.

For these reasons, a tenured professor at Webster advises colleagues "to go for tenure because the outside reference group makes it important."

Lack of Security

A second, less prominent concern was security, most notably against a "change of administration" or against a "malevolent administration." Not all faculty are equally convinced that the organizational culture invites and protects free expression. "There's not intimidation, but I'm not stupid. Why roil the waters?" asked a Webster faculty member. Even with the current, benevolent leadership, the faculty at Greensboro traditionally select as a liaison to the board of trustees a tenured faculty member, "someone better able to speak freely." Likewise, at Shenandoah, a tenured faculty member claimed that the Curriculum Committee moved to a secret ballot on any faculty handbook matters because the absence of academic tenure leaves everyone a little skittish. "What appeals to me,"

stated a Webster faculty member, "is academic freedom. No matter what opinions you express or what you do, your position of employment isn't endangered."

Tedious Performance Reviews

While just a small minority of protenure faculty voiced concerns about the legitimacy and security afforded by contracts, all faculty reached consensus on two other drawbacks to the contract system: the evaluation process generated too much work and too little selectivity.

Reviews of candidates for reappointment are both frequent and comprehensive, a toxic mix with respect to workload. New faculty are often assessed annually or every second or third year for the first three to ten years. More-senior faculty may have three-, five-, eight-, or ten-year contracts with midcontract performance appraisals. The extensiveness of the procedure can be gleaned from the contents of a candidate's portfolio. While requirements differ somewhat from college to college, the ingredients of an Evergreen portfolio are illustrative:

- An annual self-evaluation for each of the past five academic years.
- All evaluations by the candidate of other faculty with whom the candidate has taught, and all evaluations of the candidate by these faculty.
- All evaluations of or by the candidate required by a curriculum planning group or graduate program.
- All student evaluations of the candidate.
- All self-evaluations of the candidate's students, and all of the candidate's evaluations of these students.
- All syllabi and independent study "contracts."
- Any descriptions or evaluations of the candidate's campus service.
- Any other material the candidate wishes to include, such as publications, external letters, grant proposals, or a curriculum vitae.

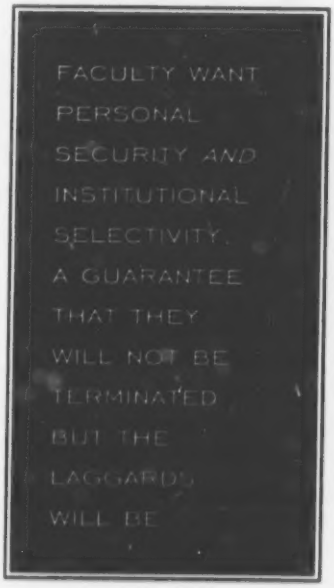
Apart from the reappointment process, Evergreen encourages faculty to request a "developmental review" with a panel of peers that excludes the academic dean.

Other institutions may demand somewhat less documentation. Hampshire, for instance, solicits only a "sample of students." Webster, Shenandoah, and Hampshire, however, require a prospectus that details the candidate's plans for the next contract period. The president of Hampshire described the faculty proposals as usually "thoughtful and serious" documents, publicly available and widely read. Hampshire also stipulates that school deans "meet individually with each faculty member at the

midpoint [of a] contract and . . . prepare a written evaluation for the file," and the college encourages deans to have an annual "faculty development conference" with each faculty member.

Procedurally, some campuses start with a department or school committee, and virtually all include a review by a collegewide panel of peers and by appropriate administrative officers. The collegewide committees at Hampshire and Evergreen normally do not participate in initial decisions about reappointment.

As a result of all these procedural requirements, faculty feel constantly beset by the need to prepare a massive dossier or to assess colleagues' ponderous portfolios. The process has been characterized as "enormously labor intensive," "tedious at best," "a bureaucratic nightmare," "a tremendous amount of paperwork," and "a pain in the butt." The burdens on academic administrators are no less onerous: scrutinizing mammoth folders, writing evaluations, participating in review committee meetings, meeting one-on-one with faculty, and sending follow-up letters.



Toothless Performance Reviews

At all of the study sites, faculty regularly questioned whether the results of the evaluation process justified the "big tax load" the process imposed. "FDL creates enormous volumes of paperwork that are basically pointless from a quality standpoint." "A problem we share with post-tenure reviews is that the reviews have no teeth." In this regard, a contradiction, not altogether unforeseeable, emerged: faculty want personal security *and* institutional selectivity, a guarantee that they will not be terminated but the laggards will be. Thus, for all the worries about security, almost as many concerns were voiced about laxity, especially after the initial short-term contracts.

The problem arises, in part, because long-term contracts of eight or ten years at Evergreen and Hampshire, respectively, assume, quite intentionally, a "tenurelike" quality, where a subsequent nonrenewal would be equivalent to dismissal for "adequate cause" under a tenure system — a rare phenomenon indeed. Hence, an exasperated senior faculty member at Hampshire calculated the unfavorable trade-off between effort and results:

> Nobody has the will to fire people who aren't doing their jobs. . . . If you're not going to fire people with ten-year contracts, then going through the process is just a hassle and

> a waste of institutional resources. . . . I have zero interest in challenging people and getting everyone in a lather if it doesn't matter. . . . The ten-year reviews are perfunctory and an anxiety nuisance. . . . I prefer a tenure system with landmark expectations.

To the contrary, Hampshire faculty now under consideration for renewal of ten-year contracts need not submit a portfolio, an option that limits the available evidence and underscores the presumption of reappointment. On the other hand, a purportedly marginal faculty member resigned rather than face a second ten-year review, an outcome consistent with the view that the system was "designed to catch real problems."

Among other factors that sap value from periodic evaluations are the openness of the system and the closeness of the community. At Hampshire, the handbook specifies that "confidentiality of any kind is inappropriate" except as pertains to student evaluations. One professor contended that this openness "mutes criticism of one's closest colleagues whom you want reappointed, but who have problems." A junior faculty member agreed. "The system we have tends to be too lenient because people don't feel like they can really say what's on their mind, since it's completely open."

In addition to openness, some are concerned about relationships. "You're in a jam when your friends go up. Precisely because we're in close quarters here, it's easier not to oppose anyone." An internal analysis of practices at Evergreen stated the dilemma plainly:

> Experience showed that the initial idealistic assumptions about faculty peer evaluations as developmental tools conflicted with their potential use as evidence for nonreappointment. The original notion seems to have been that faculty would *welcome* the critical feedback their colleagues could provide and use this as a tool to improve their teaching constantly. . . . As faculty became aware, however, that what *they* saw as philosophical and pedagogical musings on a colleague's work and character might be used as ammunition by an administration bent on getting rid of someone, they became more and more cautious about putting "negative" observations on paper. . . . Nothing in the 1988 revision of the faculty reappointment policy served to resolve this contradiction [which was a major topic of discussion at the time].

To compound the problem, faculty at Evergreen and other contract campuses realize all too well that peer reviewers sooner or later become peers reviewed. Thus, a junior faculty member at Evergreen wondered, "How honest can you be if you know you have to teach with this person or be their colleague for twenty-five years?" The answer may come from a counterpart at Hampshire: "One consequence of everyone voting on everyone is logrolling. We each flatter one another's teaching."

This would seem to be the case. Peer evaluations at Evergreen are fondly, and at the same time sarcastically, referred to as "love letters." Portfolios are replete with praise from peers: "a super job," "high commendation," "thanks for the collaboration." Criticisms are few and incidental: "be a little

more tolerant and flexible," "nervous and hesitant at first, tighter and cleaner later." An inveterate reviewer of Evergreen portfolios concluded that "collegial evaluations are rarely even slightly critical." Furthermore, over time reviewers have little fresh to add about the performance of the same members of one's program or department. Symptomatic of the problem, one peer confessed, "I have already written a fistful of evaluations of you. . . . I find it difficult to find new themes and insights for yet another evaluation."

Finally, some faculty believed that more effective (i.e., more rigorous) reviews are thwarted by ambiguous criteria and standards, the very same accusation directed at tenure systems. Although institutions define the criteria for reappointment and portfolio contents, many junior faculty, particularly at Hampshire, wanted more specific guidelines. "How many things have to be published? How many classes should be interdisciplinary?" "The proper balance [among] teaching, research, and service is in no way indicated in our contracts," lamented a junior faculty member. "There are no clear hurdles, no boundaries," complained another. Some (naively) contended that tenure systems were much more precise and unequivocal. "Your responsibilities are laid out as to 'this is what you need to do,' if you publish three papers in refereed journals and do this and this."

PART IV
CONCLUSIONS

Employment policies must be viewed within the larger context of institutional circumstances and organizational culture. Therefore, we approach the matter of "conclusions" gingerly. Better perhaps to consider the seven following statements as defensible propositions, undoubtedly subject to rebuttals and exceptions, yet tenable nonetheless.

1. **Term contracts are not the solution to tenure "problems."** Anyone in search of a means to intensify selectivity, increase faculty turnover, shift resources swiftly, or prune deadwood should look elsewhere. As intended and as implemented, contract systems do not achieve these results. In fact, term contracts and tenure basically share the same "gene pool."

2. **Academic freedom and economic security are provided under term contracts.** Tenure offers these protections virtually unconditionally through strict policies and procedures. Contract systems depend upon a mix of procedural safeguards, policy statements, *and* tradition, trust, and goodwill. The vast majority of faculty at the study sites were satisfied that these latter conditions prevail.

3. **Term contract systems place a premium on administrators' trustworthiness.** Insofar as contract faculty feel less secure legally, the administration must ensure that these faculty feel more secure psychologically. Management must maintain a climate of trust to sustain faculty support for term contracts, and therein lies a large part of the faculty's leverage.

4. **Evaluations under term contracts strongly resemble post-tenure reviews.** The purposes of both policies are formative efforts to stimulate professional development and gently exert constructive peer pressure. Neither intends to instigate dismissals for cause; and were that the case, the political viability of each approach would be severely jeopardized.

5. **Term contracts provide insurance against crisis.** Only the strongest colleges can rely on an endowment to outlast financial distress. For less affluent institutions, term contracts (and part-time faculty) provide an alternative cushion and a measure of liquidity to weather financial exigencies. The campus community, however, will tolerate claims against that policy only under demonstrable conditions of genuine financial stringency — "Break glass only in case of emergency."

6. **Most junior faculty on contracts or nontenure-track appointments at hybrids prefer these options to the tenure track.** Contract systems dull differences in status and appear to junior faculty to be more about common goals and community — and more mission-centered and student-focused — than traditional tenure systems that emphasize competition, publication, and discipline-specific ends. To the degree that term contracts clarify expectations for performance, junior faculty will experience less anxiety.

7. **The preponderance of faculty on contracts find academic life to be agreeable.** Relationships between faculty and administration were quite positive and certainly not cantankerous.

Faculty morale, as gleaned from interviewees, was largely high, and many faculty enjoyed the rhythm or "arc" of career development and the sense of community that periodic contract reviews induced.

In sum, term contracts are neither a curse nor a cure. Like any other employment policy, including traditional tenure, renewable appointments have benefits and drawbacks. On balance, the policy serves these colleges well. The portrait we have drawn here necessarily accentuates the special properties of campuses without tenure or with a nontenure option. When viewed globally, however, this world did not seem terribly different from the realm of colleges with similar missions and circumstances that offer tenure. The concerns and behaviors of faculty and administrators looked familiar, almost ordinary, despite the unusual employment arrangements — a conclusion that, on the one hand, may quell the concerns of tenure's defenders that term contracts will be destructive of institutions and faculties and, on the other hand, may dampen the hopes of tenure's detractors that term contracts will be transformative. ■

REFERENCES

American Association of University Professors (AAUP). *AAUP Policy Documents and Reports.* Washington, DC: AAUP, 1990.

———. "Not So Bad: The Annual Report on the Economic Status of the Profession." *Academe* 82, no. 2 (March-April 1996): 38-104.

Barron's Educational Service. *Barron's Profiles of American Colleges.* 21st ed. New York: Barron's Educational Service, 1996.

Chait, R.P., and A.T. Ford. *Beyond Traditional Tenure.* San Francisco: Jossey-Bass, 1982.

Cushing, J. "Background Material on Tenure/Reappointment at Evergreen." Internal memorandum. 1995.

Gappa, J. *Off the Tenure Track: Six Models for Full-Time, Nontenurable Appointments.* New Pathways Working Papers Series, no. 10. Washington, DC: AAHE, 1996.

Hill, J.E. "On a Roll: Term Contracts at Curry College." *Educational Record* 66, no. 4 (1985): 53-56.

Jervis, J. "The Ideal Academy." *AGB Trusteeship* 3, no. 1 (January-February 1995): 22-25.

O'Toole, J. "The Poverty of Historicism: A Critique of Walter Metzger's Defense of Tenure." In "Tenure," Current Issues in Higher Education, no. 6. Washington, DC: AAHE, 1979. (Paper presented at the annual meeting of the American Association for Higher Education, March 1979, Washington, DC)

Russell, S.H., R.C. Cox, C.L. Williamson, and J.T. Porter. *Institutional Policies and Practices Regarding Faculty in Higher Education.* Contractor Report. Washington, DC: U.S. Department of Education, National Center for Education Statistics, 1990. (90-333)

Tierney, W.G., and E.M. Bensimon. *Promotion and Tenure: Community and Socialization in Academe.* New York: State University of New York Press, 1996.

Trower, C.A. "Junior Faculty Behavior and Experiences: Work Life on the Tenure-Track, Off the Tenure-Track, and at Institutions Without Tenure." Doctoral dissertation, University of Maryland, College Park, 1996a.

——— . *Tenure Snapshot.* New Pathways Working Paper Series, no. 2. Washington, DC: American Association for Higher Education, 1996b.

Winbush, D. "Tenure Tension." *Black Issues in Higher Education* 12, no. 16 (October 5, 1995): 16-21.

WORKING PAPER SERIES

[For papers not yet available at press time, page counts and release dates are approximate]

New Pathways Series Package

The complete set of 14 Working Papers detailed below. Ensures that you receive each paper as soon as it is released. Order the Package and save more than $50 over the price of purchasing each paper individually! (#FR00WP)

Making a Place for the New American Scholar

by **R. Eugene Rice**, scholar-in-residence and director, Forum on Faculty Roles & Rewards, AAHE

Presents a richly textured vision of the role of the scholar in a rapidly changing, democratic America. Frames key questions to be addressed in rethinking and restructuring faculty careers. (#FR01WP, 48PP, MARCH 1996)

Tenure Snapshot

by **Cathy A. Trower**, research associate, University of Maryland

Outlines current areas of concern, ongoing initiatives, and national trends related to academic tenure. Based on a November 1995 AAHE survey distributed to 1,200 four-year college and university provosts, with the intention of building an archive of information on current tenure policies, practices, and trends. (#FR02WP, 32PP, MARCH 1996)

Where Tenure Does Not Reign: Colleges With Contract Systems

by **Richard Chait**, professor, Harvard Graduate School of Education; and **Cathy A. Trower**, research associate, University of Maryland

Presents the experiences of campuses without tenure and campuses where faculty may choose tenure or contracts. Issues covered include academic freedom, faculty recruitment, selectivity, turnover, and reward structures. Answers the question, "What lessons can be learned from campuses with contract systems?" (#FR03WP, 36PP, MARCH 1997)

New Yardsticks to Measure Financial Distress

by **Kent John Chabotar**, vice president, business and finance, Bowdoin College; and **James P. Honan**, lecturer, Harvard Graduate School of Education

Offers suggestions for new criteria and yardsticks to gauge a college's financial condition, and identifies means to equitably balance employment security for faculty with programmatic flexibility for institutions.

(#FR04WP, 38PP, AUGUST 1996)

Academic Freedom Without Tenure?

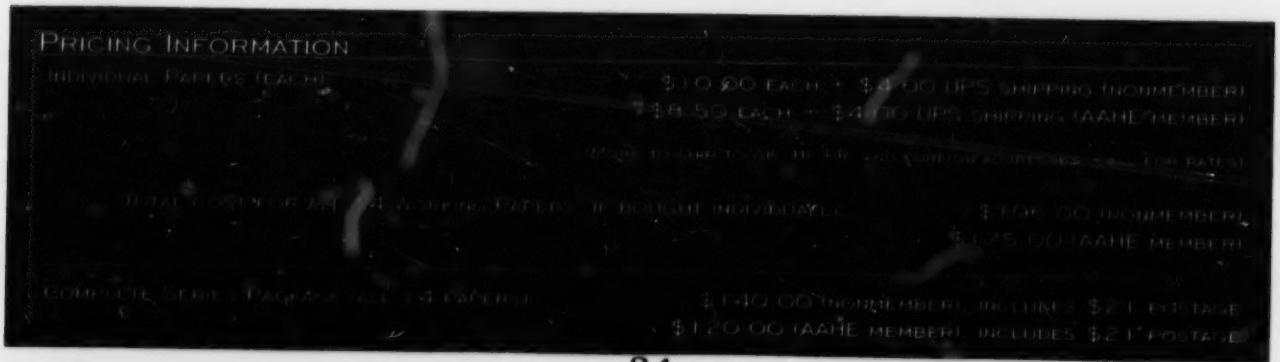
by **J. Peter Byrne**, professor, Georgetown University Law Center

Conceptualizes one or more procedures where academic freedom could be uncoupled from academic tenure — where some other means are offered to ensure the professoriate the unfettered opportunity to teach and conduct research — and explores the tradeoffs involved in doing so. (#FR05WP, 25PP, JANUARY 1997)

Two Faculties or One? The Conundrum of Part-Timers in a Bifurcated Workforce

by **Judith M. Gappa**, vice president for human relations, Purdue University; and **David W. Leslie**, professor of education, College of William and Mary

Describes the dual labor market in academe, based on the authors' book *The Invisible Faculty*, data from the 1993 NCES Survey, and other sources. Focuses on the effect of the dual labor market on tenured and tenure-track faculty, part-time and temporary faculty, and institutions. Explores possible changes that would transform the dual labor market into a more flexible and integrated employment system. (#FR06WP, APPROX 30PP, 1997)



Heeding New Voices

by R. Eugene Rice, scholar-in-residence and director, Forum on Faculty Roles & Rewards, AAHE; and **campus-based interviewers**

Reports on structured interviews conducted with new faculty and graduate students who will be the professoriate of the future. Considers what changes need to be made in the faculty career to make it more enticing, self-renewing, and resilient for the individual and to provide greater flexibility for institutions. (#FR07WP, APPROX 48PP, 1997)

Balancing Personal and Professional Lives

by Judith M. Gappa, vice president for human relations, Purdue University

Examines the conflicts faculty face as they try to balance personal and professional lives throughout their careers; considers actions universities and colleges can take to help. Includes an overview of institutional leadership initiatives, policies, strategies, programs, and practices aimed at reducing the stress these conflicts cause and enhancing the performance and satisfaction of faculty. (#FR08WP, APPROX 30PP, 1997)

Innovative Modifications of Traditional Tenure Systems

by Richard Chait, professor, Harvard Graduate School of Education

Examines policy changes within the confines of traditional tenure systems such as extended probationary periods, stop-the-clock provisions, and alterations to conventional policies governing the criteria for promotion and tenure. (#FR09WP, APPROX 30PP, 1997)

Off the Tenure Track: Six Models for Full-Time, Nontenurable Appointments

by Judith M. Gappa, vice president for human relations, Purdue University

Explores nontraditional, full-time faculty appointments that are being used as alternatives to traditional tenure-track faculty careers, and the academic and other reasons underlying their increasing use. (#FR10WP, 44PP, DECEMBER 1996)

Senior Faculty Career Transitions: A Developmental & Policy Issue

by Ann Ferren, associate professor of education, American University

Examines what influences senior faculty in making decisions about the timing of retirement. Focuses on the interaction between individual development and planning and institutional policies and planning. (#FR11WP, APPROX 30PP, 1997)

Post-Tenure Review: Policies, Practices, Precautions

by Christine M. Licata, associate dean for academic affairs, Rochester Institute of Technology, and **Joseph C. Morreale**, vice provost for planning, assessment, and research and professor of public administration, Pace University

Reviews current institutional policies and practices aimed at periodically evaluating tenured faculty. Topics examined include: campus goals for post-tenure review; specific evaluation criteria/procedures; implementation considerations and resource implications. Discusses the opportunities and difficulties associated with the initiation of such reviews, and how institutions handle measurement of outcomes and effectiveness. (#FR12WP, 90PP, MARCH 1997)

Practices in Other Professions

by Richard Chait, professor, Harvard Graduate School of Education, and **Cathy A. Trower**, research associate, University of Maryland

Explores employment arrangements in other professions such as law, medicine, and management and in think-tanks, to ascertain whether policies and practices in these settings have applicability and hold promise for higher education. (#FR13WP, APPROX 30PP, 1997)

Voluntary Incentives to Forego Tenure

by David Breneman, professor and dean of education, University of Virginia

Helps answer the question, "What, if anything, would induce individual faculty to renounce tenure?" Develops approaches that could be used to understand the financial value that faculty assign to tenure and the relative appeal of various inducements to forego tenure. (#FR14WP, APPROX 30PP, 1997)

QUESTIONS? CALL AAHE PUBLICATIONS AT 202/293-6440 x11

ORDERING INFORMATION — USE ACCOMPANYING ORDER FORM!

1. SAVE MORE THAN $50 OVER THE INDIVIDUAL PAPER PRICE BY ORDERING THE COMPLETE WORKING PAPER SERIES PACKAGE (ALL 14 PAPERS). UPON RECEIPT OF YOUR PACKAGE ORDER, PAPERS ALREADY RELEASED WILL BE SHIPPED IMMEDIATELY; FUTURE PAPERS WILL BE SHIPPED AUTOMATICALLY AS THEY ARE RELEASED.
2. ANY INDIVIDUAL WORKING PAPER CAN BE ORDERED AT ANY TIME; PAPERS ORDERED IN ADVANCE OF THEIR RELEASE DATES WILL BE SHIPPED AUTOMATICALLY AS SOON AS THEY ARE AVAILABLE.
3. TO GET THE DISCOUNTED MEMBER PRICE, PLEASE PROVIDE YOUR 7-DIGIT MEMBER NUMBER OFF A *BULLETIN/CHANGE* MAILING LABEL. (NOTE: AAHE IS AN INDIVIDUAL MEMBER ASSOCIATION; YOUR INSTITUTION CANNOT BE A MEMBER.)
4. AAHE DOES NOT ACCEPT RETURNS OR EXCHANGES. ONCE ORDERED, PACKAGES CANNOT BE CANCELLED OR REFUNDED.

AAHE Publications Order Form

New Pathways Working Paper Series

□Dr. □Mr. □Ms. _____ □M □F

Title _____ Institution _____

Address □Work □Home _____

City _____ St _____ Zip _____ Daytime ph (_____) _____

I □am not / □am an AAHE member _ _ _ _ _ _ _ _ (7-digit number off *Change/Bulletin* label)

Item #	Item	Unit Price AAHE Member	Unit Price Nonmember	Qty	Subtotal
FR00WP	**Complete Working Paper Series Package** Includes all 14 papers listed below	$120.00 *(includes shipping for complete Package)*	$140.00		
FR01WP	Making a Place for the New American Scholar	$8.50 ea	$10.00 ea		
FR02WP	Tenure Snapshot	$8.50 ea	$10.00 ea		
FR03WP	Where Tenure Does Not Reign: Contract Systems	$8.50 ea	$10.00 ea		
FR04WP	New Yardsticks to Measure Financial Distress	$8.50 ea	$10.00 ea		
FR05WP	Academic Freedom Without Tenure?	$8.50 ea	$10.00 ea		
FR06WP	Two Faculties or One? Part-Timers	$8.50 ea	$10.00 ea		
FR07WP	Heeding New Voices	$8.50 ea	$10.00 ea		
FR08WP	Balancing Personal and Professional Lives	$8.50 ea	$10.00 ea		
FR09WP	Innovative Modifications of Trad. Tenure Systems	$8.50 ea	$10.00 ea		
FR10WP	Off the Tenure Track: Six Models	$8.50 ea	$10.00 ea		
FR11WP	Senior Faculty Career Transitions	$8.50 ea	$10.00 ea		
FR12WP	Post-Tenure Review	$8.50 ea	$10.00 ea		
FR13WP	Practices in Other Professions	$8.50 ea	$10.00 ea		
FR14WP	Voluntary Incentives to Forego Tenure	$8.50 ea	$10.00 ea		

SHIPPING: CIRCLE A SHIPPING METHOD AND ADD THE SHIPPING CHARGE ON LINE E – BUT ONLY IF YOU ARE ORDERING INDIVIDUAL PAPER(S)! (PRICE OF PACKAGE INCLUDES 3RD CLASS POSTAGE.)

Destination	Method	Indiv Paper Subtotal (Line B) $0-$25	$25-$100*
U.S.**	UPS Grnd	$ 4	$ 6
	UPS 2nd Day	$ 10	$ 12
	FedEx Overnite	$ 22	$ 35
Canada	1st Cl Mail***	$ 6	$ 6
Foreign	1st Cl Mail***	$ 20	$ 20

*LARGE ORDERS WILL BE BILLED ACTUAL SHIPPING COST. **AK, HI, PR MUST CHOOSE UPS 2ND DAY. ***CALL OR FAX FOR FASTER METHODS.

Books will be shipped as they become available.

Package $_____ A

Individual Paper(s) Subtotal $_____ B

(A + B) TOTAL $_____ C

DC Addresses ONLY, Add Tax 5.75% of Line C $_____ D

(Use table at left) Shipping $_____ E

AMOUNT DUE $_____

Payment Method (F.I.D. #52-0891675)

□Check to "AAHE" encl. □Purchase order encl. □VISA □MasterCard □Bill me (AAHE members only)

Credit card number _____ Exp. date _____

Cardholder name _____ Cardholder signature _____

Mail/Fax to: AAHE Pub Orders, Box WP03, One Dupont Circle, Suite 360, Washington, DC 20036-1110, fax 202/293-0073

To Place Your Order by Phone, or For More Information: Call 202/293-6440 x11.

ver 3/31/97

BEST COPY AVAILABLE